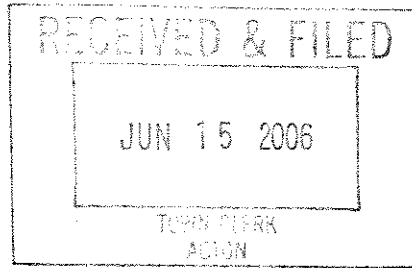


Planning Board



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DECISION

06-04

Spring Farm Circle

Preliminary Subdivision (Residential Compound)

June 13, 2006

APPROVED with CONDITIONS

Decision of the Acton Planning Board (hereinafter the Board) on the application of Jane A. Gruber (hereinafter the Applicant) for property in Acton, Massachusetts, owned by Benjamin A. and Jane A. Gruber of 105 Summer Street, Acton, MA and Nancy L. Meehan of 107 Summer Street, Acton, MA. The property is located at 105 and 107 Summer Street and shown on the 2004 Acton Town Atlas map F-1 as parcels 110 and 110-1 (hereinafter the Site).

This Decision is in response to an Application for Approval of a Preliminary Subdivision Plan entitled "Preliminary Plan for Spring Farm Circle a Residential Compound at 105-107 Summer Street in Acton, Massachusetts", received by the Acton Planning Department on May 3, 2006, pursuant to Massachusetts General Laws, Chapter 41, Section 81-K through 81-GG, and the Acton Subdivision Rules and Regulations (hereinafter the Rules).

The Applicant presented the subdivision proposal to the Board at an advertised public meeting of the Board on May 23, 2006. Mr. Richard Harrington of Stamski and McNary, Inc. represented the Applicant. Board members Gregory E. Niemyski (Chairman), William F. King, Ruth M. Martin, Edmund R. Starzec, and associate members Mr. Bruce Reichlen and Mr. Alan Mertz were present at the meeting. The minutes of the meeting and submissions on which this decision is based upon may be referred to in the Planning Department or the Town Clerk's office at the Acton Town Hall.

1 EXHIBITS

Submitted for the Board's deliberation were the following exhibits:

- 1.1 A plan entitled "Preliminary Plan for Spring Farm Circle a Residential Compound at 105-107 Summer Street in Acton, Massachusetts", dated 5/2/06, drawn by Stamski and McNary, Inc., consisting of one sheet.
- 1.2 A plan entitled "Conceptual Proof Plan in Acton, Massachusetts", dated 5/2/06, drawn by Stamski and McNary, Inc., consisting of one sheet.
- 1.3 Supplemental items and documentation required by the Rules consisting of:
 - An Application for Approval of a Preliminary Plan, form PP, dated 4/27/06.
 - Filing fee.
 - A completed Development Impact Report, form DIR.
- 1.4 Additional information submitted by the Applicant:
 - A certified list of abutters.

1.5 Interdepartmental communication received from:

- Acton Building Commissioner, dated 5/9/06;
- Acton Engineering Department, dated 5/17/06;
- Acton Fire Chief, dated 5/18/06;
- Acton Health Director, dated 5/17/06;
- Acton Planning Department, dated 5/18/06;
- Acton Treasurer's Office, dated 5/8/06;
- Acton Tree Warden & Municipal Properties Dir., dated 5/5/06;
- Acton Water District, dated 5/12/06.

1.6 Correspondence received from:

- Ronald and Scena Proodian of 361 Arlington Street, Acton, MA dated 5/17/06.
- Geoffrey and Manya Hughes of 95 Summer Street, Acton, MA dated 5/23/06.

Exhibits 1.1 through 1.3 are referred to herein as the Plan.

2 FINDINGS and CONCLUSIONS

Based upon its review of the exhibits and the record of the proceedings the Board finds and concludes that:

- 2.1 The Applicant proposes the 4-lot subdivision as a Residential Compound under Section 10 of the Rules. Section 10 of the Rules provides for broad waivers to "permit small-scale residential subdivisions in a manner that minimizes Town maintenance responsibility and cost, while simultaneously preserving the rural character of the Town". It refers to the common driveway standards of the Acton Zoning Bylaw (hereinafter the Bylaw) as a guideline for laying out and constructing residential compound subdivisions.
- 2.2 The proposed subdivision is located within the Residence 2 zoning district and the Groundwater Protection District Zones 2 and 3.
- 2.3 The Plan shows the division of approximately 2.85 acres into four single-family residential lots. Two lots have existing houses on them.
- 2.4 The existing and the proposed new single-family residences are allowed on the Site in accordance with the Bylaw, including all overlay district requirements.
- 2.5 The proposed lots as shown on the Plan comply with the area and frontage requirements of the Bylaw, including all overlay district requirements.
- 2.6 The Plan shows a +/- 240-foot long unnamed subdivision street (private way), with a loop turnaround, that intersects with Summer Street. The proposed pavement width is 18 feet within a 30-foot wide layout.
- 2.7 The proposed lots destroy much of the existing trees and vegetation between the Site and Hughes and the Proodian properties.
- 2.8 The Applicant has submitted a "Proof Plan" that shows a 4-lot subdivision. The Proof Plan does not show the proposed locations for the soil absorption systems and dwellings for lots 2 and 3. The Proof Plan shows the porch being removed from the existing dwelling and a soil absorption system replacing the existing soil absorption system on lot 4 to allow for a standard subdivision street as required by the Rules. As currently drawn, the standard street dimensions, lot areas, and frontages on the Proof Plan meet the minimum requirements of the Rules and Bylaw.
- 2.9 The application did not include a draft common driveway maintenance agreement and covenant as required under section 10 of the Rules.

- 2.10 The Applicant has not requested any specific waivers from the Rules. However, the proposal as a Residential Compound contemplates waivers from sections 8 and 9 of the Rules. The Board, in its discretion, may grant waivers to any or all, or to none of the portions of these sections. As a general policy, the Board does not usually waive sidewalk requirements of the Rules (section 9.6), but it does allow, and in the case of Residential Compounds, it encourages sidewalks in alternative locations more useful to the applicant and the general public.
- 2.11 Under Massachusetts Law, property taxes on the land must be paid prior to recording of a definitive plan.
- 2.12 The Board has received comments from various Town departments and adjacent property owners, which are listed as Exhibits 1.5 and 1.6 above. The Board has considered these comments in its deliberations and made them available to the Applicant.

3 BOARD ACTION

Therefore, subject to and with the benefit of the following waivers, conditions, and plan modifications, the Board voted on June 13, 2006 to APPROVE the preliminary subdivision.

3.1 WAIVERS

Waivers from the Rules sections 8 and 9 in accordance with section 10, Optional Residential Compound Plan, seem appropriate to allow the street layout and design generally as depicted on the Plan as modified herein.


3.2 CONDITIONS and PLAN MODIFICATIONS

Unless stated or implied otherwise, the conditions shall be fulfilled and the modifications to the Plan shall be made before filing the application for approval of a definitive plan.

- 3.2.1 Show the proposed soil absorption systems and dwellings for lots 2 and 3 on the Proof Plan.
- 3.2.2 On the Plan, show the shed on the Proodian property.
- 3.2.3 Correct the label on the structure in the rear of the Potter property because it is not a dwelling.
- 3.2.4 Modify the design of the private way by reducing the pavement width to 12 feet and providing a t-turnaround (or similar design with less pavement) sufficient for SU-30 vehicles.
- 3.2.5 Lot 1 shall be accessed from the private way. No driveway shall be constructed for lot 1 from Summer Street.
- 3.2.6 Place a note on the Plan stating that the private way shall only serve the lots shown on the Plan.
- 3.2.7 Submit a draft common driveway maintenance agreement and covenant for the street and all its appurtenances as required under section 10 of the Rules, including an operation and maintenance plan for the proposed drainage system. The covenant shall state that lot 1 shall be accessed only from the private way.
- 3.2.8 Show street addresses for the two new lots and a street sign adjacent to the private way at Summer Street displaying the addresses according to the 5/17/06 Engineering Department memo.

- 3.2.9 Show adequate monumentation of the lots and private way as recommended in the Engineering Department memo.
- 3.2.10 Show an easement encompassing the road drainage facilities on lot 2.
- 3.2.11 Submit copies of the deep test holes and percolation tests for the proposed drainage recharge area.
- 3.2.12 Consult with the Fire Chief regarding the revised private way design and general fire protection issues prior to definitive plan submittal.
- 3.2.13 Consult with the Acton Water Supply District concerning water service for the lots, and make Plan changes as necessary.
- 3.2.14 Consult with the Acton Health Department regarding the inspection and possible replacement of soil absorption systems, and make Plan changes as necessary.
- 3.2.15 The Applicant shall construct a sidewalk. The applicant shall choose one of two locations to construct the sidewalk. Option one: submit a construction plan for a sidewalk along the south side of Summer Street extending west from approximately 148 Summer Street to the Acton/Boxborough town line. Option two: submit a construction plan for a sidewalk along the west side of Willow Street from Kingman Road extending north for 455 feet at \$30.00 per foot of sidewalk. This cost equals the approximate cost of constructing a sidewalk along the Site's proposed unnamed 242-foot street (at the Board's construction cost equivalent value estimate for new sidewalks of \$15.00 per foot of sidewalk) and the Site's 333-foot frontage along Summer Street (at the Board's construction cost equivalent value estimate for off-site, existing road sidewalks of \$30.00 per foot of sidewalk). Regardless of the sidewalk option chosen, where the sidewalk terminates, connect it to the street pavement.
- 3.2.16 Place a construction note on the Plan stating that all brush and overhanging limbs growing along Summer Street in front of 105 and 107 Summer Street shall be trimmed back to the property lines to provide improved visibility for vehicles turning onto Summer Street from Spring Farm Circle.
- 3.2.17 Unless directed otherwise by this decision, the definitive plan shall comply with all requirements of the Rules, and shall address all departmental comments received by the Board in a manner that resolves any concerns raised therein to the satisfaction of the Board.
- 3.2.18 All property taxes and other municipal charges must be paid prior to the application for approval of the definitive plan.


Roland Bartl, AICP, Town Planner
for the Acton Planning Board


Date

Copies to:

Applicant
Engineering Department
Conservation Administrator
Town Assessor

Building Commissioner
Municipal Properties Director
Town Manager
Historical Commission

Board of Health
Town Clerk
Fire Chief
Police Chief